

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: Scott Houston

Case No. 16-34467-KLP
Chapter 13

US BANK TRUST NATIONAL
ASSOCIATION AS TRUSTEE OF
CABANA SERIES III TRUST, Movant

vs.

Scott Houston , Debtor
Carl M. Bates, Trustee
Respondent(s)

**ORDER TERMINATING AUTOMATIC STAY
HEARING HELD WITH
CONSENT AS TO DEBTOR
Real Property at 502 Cary Avenue, Staten Island, New York 10310**

Upon consideration of the Motion for Relief from Stay *Nunc Pro Tunc* filed by the Movant, US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF CABANA SERIES III TRUST, and a hearing having been held on May 27, 2020, and the Debtor having consented to the relief requested and for good cause shown and no opposition having been filed by the respondents, it is

ORDERED, that the stay of 11 U.S.C. Section 362(a) is LIFTED *nunc pro tunc* to September 9, 2016, and the foreclosure sale of March 9, 2017 is hereby VALIDATED. The stay is further modified to permit the Movant to proceed with a lawful eviction/unlawful detainer as to the property secured by the Deed of Trust dated February 19, 2009, and recorded among the land records of RICHMOND COUNTY as Document ID 000000000283112, and secured by the real property of the Debtor at **502 Cary Avenue, Staten Island, New York 10310** and described as follows:

Abby K Moynihan, Esq.
McCabe, Weisberg & Conway, LLC
312 Marshall Avenue, #800
Laurel, MD 20707
VSB # 79686
301.490.1196
Attorney for Movant
19-701214

STEWART TITLE INSURANCE COMPANY

SCHEDULE A
(continued)

Description

ALL that certain plot, piece or parcel of land, situate lying and being in the Former Village of New Brighton, Town of Castleton, County of Richmond and State of New York, now the First Ward of the Borough of Richmond in the County of Richmond, City and State of New York, known and distinguished on a certain Map filed in the Office of the Clerk of the County of Richmond entitled "Map of Property of Richard M. Cary" as westerly one half of lot number sixty nine(69) and being bounded and described as follows:

BEGINNING at a point on the southerly side of Cary Avenue, distant 50.14 feet easterly US Standard (50 feet deed) from the corner formed by the intersection of the southerly side of Cary Avenue and the easterly side of Caroline Street;

RUNNING THENCE South 8 degrees 45 minutes 18 seconds East, 100 feet to a point;

THENCE North 80 degrees 59 minutes 19 seconds East, 25.06 feet US Standard (25 feet deed);

THENCE North 8 degrees 45 minutes 18 seconds West, 100 feet to the southerly side of Cary Avenue;

THENCE South 80 degrees 59 minutes 19 seconds West, 25.06 feet US Standard (25 feet deed)

FOR INFORMATION ONLY, NOT FOR POLICY.

Block:216 Lot: 16.

Premises being known as: **502 Carey Avenue**
Staten Island, NY 10310

IT IS FURTHER ORDERED, that this relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the property.

Date: Jun 5 2020

/s/ Keith L Phillips

Judge, U.S. Bankruptcy Court
EASTERN District of Virginia

Entered on Docket: Jun 8 2020

I ask for this:

/s/ Abby K Moynihan, Esq.

Abby K Moynihan, Esq.
McCabe, Weisberg & Conway, LLC
312 Marshall Avenue, #800
Laurel, MD 20707
VSB # 79686
301.490.1196
Attorney for Movant

Seen and Consented to:

/s/ Keith A. Pagano _____ (by Abby K Moynihan, Esq. with permission from Keith A. Pagano based on FAX/email)
Keith A. Pagano
Pagano & Marks, P.C.
4510 S. Laburnum Ave
Suite 100
Richmond, Virginia 23231
Attorney for Debtor

X /s/ Abby K Moynihan, Esq. _____

Local Rule 9022-1(C) Certification

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

/s/ Abby K Moynihan, Esq.

Certification

The undersigned certifies that the foregoing Order Granting Relief from Stay is in substantial compliance to the form order required by the Administrative Order and that no modifications, additions, or deletions have been made.

/s/ Abby K Moynihan, Esq.

PARTIES TO RECEIVE COPIES

Scott Houston
8110 Woodbridge Road
Mechanicsville, Virginia 23111

Copies will be sent electronically via the CM/ECF system to Keith A. Pagano, Attorney for Debtor

and Carl M. Bates, Trustee.